

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

RONALD E. KUNZEL, FOREST J. BROWN,  
and CRAIG DeGRAFF, individually, and on  
behalf of PIPEANUM TECHNOLOGIES, INC.,  
a Nevada corporation and on behalf of STEALTH  
MANAGEMENT, INC., a Panamanian  
corporation,

Plaintiffs,

vs.

CHARLES POWNALL, an individual, MARK  
IVERSON, an individual, et al.,

Defendants.

3:05-CV-0496-RAM

ORDER

On April 6, 2006, Plaintiffs filed a Motion for Order Striking Defendant's Answer or in the Alternative, for an Order Striking the Defenses Offered by Defendant (Doc. #34). On August 11, 2006, Plaintiffs filed a Motion for Leave to File Third Amended Complaint (Doc. #52).

At a hearing on August 8, 2006, the court granted Mr. Hoy's Motion to Withdraw and further ordered that Mr. Pownall had forty-five (45) days to find counsel, or proceed *in pro per* and in which to file his response to Plaintiffs' Motion for Sanctions (Doc. #34) and to respond to the forthcoming Motion for Leave to Amend the Complaint (Doc. #52).

More than forty-five (45) days has elapsed since that hearing and there has been no appearance by an attorney on behalf of Mr. Pownall and Mr. Pownall has failed to respond to either the Motion for Sanctions (Doc. #34) or the Motion for Leave to File Third Amended Complaint (Doc. #52). LR 7-2(d) provides that "The failure of an opposing party to file points and authorities in response to any motion shall constitute consent to the granting of the motion."

1           Plaintiffs' Motion for Order Striking Defendant's Answer or in the Alternative, for an Order  
2 Striking the Defenses Offered by Defendant (Doc. #34) and Plaintiffs' Motion for Leave to File Third  
3 Amended Complaint (Doc. #52) are GRANTED. Plaintiffs shall file the Third Amended Complaint  
4 attached to the Motion to Amend (Doc. #52) within five (5) days of the date of this Order.

5           DATED: October 25, 2006.

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8 UNITED STATES MAGISTRATE JUDGE  
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